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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051006
Party	Plaintiff Couch/Braunsdorf Affinity, Inc.
Correspondence Address	JOSHUA S FRICK BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610 UNITED STATES officeactions@brinkshofer.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Joshua S. Frick
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Date	12/22/2011
Attachments	2011-12-22 - Perks 4th Notice of Reliance (Official Records) (rebuttal).pdf (9 pages)(542231 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

COUCH/BRAUNSDORF AFFINITY, INC.,	:	Cancellation No.	92051006
	:		
Petitioner,	:	Mark:	PERKSPOT
	:		
v.	:	Registration No.	3,355,480
	:		
12 INTERACTIVE, LLC,	:	Registered:	December 18, 2007
	:		
Registrant.	:		

**PETITIONER’S FOURTH NOTICE OF RELIANCE:
OFFICIAL RECORDS**

Pursuant to Rule 2.122(e) and TBMP § 704.03, Petitioner Couch/Braunsdorf Affinity, Inc. (“Petitioner”) submits this Notice of Reliance for the enclosed official record as part of Petitioner’s counterclaim and rebuttal testimony period:

The document enclosed with this Notice of Reliance is listed in the table below:

Exhibit No.	Title/Description	Relevance
89	Certified Consent Judgment in <i>Perks Unlimited, Inc. v. Employee Perks Services and James W. Casson, III</i> , Civ. Action No. 99-11973-REK (D. Mass. October 22, 1999)	This consent judgment is relevant to Registrant’s counterclaims, specifically that PERKS is a valid and enforceable mark. The document demonstrates Petitioner’s success in enforcing its rights in its PERKS mark, and thus is relevant to the strength of the mark and Petitioner’s right to exclude others from using similar marks.

Respectfully Submitted,

COUCH/BRAUNSDORF AFFINITY, INC.

Dated: December 22, 2011

/Joshua S. Frick/

Philip A. Jones

Joshua S. Frick

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Attorneys for Petitioner

Exhibit 89

Petitioner's Exhibit 89
Couch/Braunsdorf Affinity v. 12 Interactive, LLC
Cancellation No. 92/051,006

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me as the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE <i>Paul J. Palermo</i>	
NAME Paul J. Palermo	DATE May 9, 2011
TITLE Supervisory Archives Specialist	
NAME AND ADDRESS OF DEPOSITORY NARA, Northeast Region (Boston) Office of Regional Records Service 380 Trapelo Road Waltham, MA 02452	

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PERKS UNLIMITED, INC.,)
)
Plaintiff,)
)
v.)
)
EMPLOYEE PERKS SERVICES)
AND JAMES W. CASSON, III,)
)
Defendants.)
_____)

Civil Action No.99-11973-REK

CONSENT JUDGMENT

This case having come before this Court upon the Complaint of Perks Unlimited, Inc. charging that Employee Perks Services and James W. Casson, III have infringed Perks Unlimited's federally registered trademark, breached the covenant not to compete contained in an Independent Contractor Agreement between Casson and Perks Unlimited and breached a confidentiality agreement between Casson and Perks Unlimited, and the Court having been informed that Perks Unlimited and James W. Casson, III and Employee Perks Services have settled their differences with respect to the matters in dispute for good and valuable consideration, and upon the consent of Perks Unlimited, Casson and Employee Perks Services,

It is hereby ORDERED:

1. This Court has jurisdiction over Perks Unlimited, Casson and Employee Perks Services and over the subject matter of this action. Venue with respect to the dispute between Perks Unlimited, Casson and Employee Perks Services is proper in this district.

DOCKETED

2. Casson and Employee Perks Services consent to the validity of the federally registered trademark, PERKS, registration number 1,786,961.

3. As to Casson and Employee Perks Services, its officers, directors, agents, employees and all persons in active concert or participation with Casson or Employee Perks Services who have or receive actual notice of this litigation, Perks Unlimited's federally registered trademark, PERKS, is not invalid or unenforceable.

4. Casson and Employee Perks Services, its officers, directors, agents, employees and all persons in active concert or participation with Casson or Employee Perks Services who have or receive actual notice of this litigation, are permanently enjoined:

(a) from using, in any manner, in connection with the advertising, promotion, marketing, sale, offer for sale, or providing of volume discount services, the term Perks, the mark PERKS, or any other name, term, phrase, mark, device or symbol which so resembles or is so similar to Perks Unlimited's mark, PERKS, as to be likely to cause confusion, mistake or deception as to source, origin, sponsorship, approval or the like;

(b) from using in any manner in connection with the advertising, promotion, marketing, sale, offer for sale, or providing of volume discount services, any misleading advertising, false designations of origin, or false representations, or otherwise commit any acts of unfair competition or deceptive or unlawful trade practices, which may cause the trade or public to mistakenly believe that Casson and/or Employee Perks Services, or its

services are related to, affiliated, associated or connected with, or sponsored or approved by Perks Unlimited, or that the quality of Casson's or Employee Perks Services' services are equivalent to those of Perks Unlimited, or otherwise mislead the trade or public as to the quality of Casson's and/or Employee Perks Services' services; and

(c) from doing any other act which may, or is intended, designed or calculated to, injure Perks Unlimited's business reputation or dilute, tarnish or disparage the distinctive quality of Perks Unlimited's mark PERKS.

5. Casson and Employee Perks Services are ordered to destroy all labels, signs, prints, packages, wrappers, receptacles, advertisements and other materials in his/its possession, custody or control which bear, display or contain any other phrase, term, mark, device, symbol, representation or statement in violation of the injunction herein requested by Perks Unlimited, and that Casson and Employee Perks Services destroy all plates, molds, matrices and other means of making the same;

6. Casson and Employee Perks Services must file with the Court and serve upon Perks Unlimited within 30 days after service upon Casson and Employee Perks Services of this Court's injunction issued in this action, a written report, signed under oath, setting forth in detail the manner in which Casson and Employee Perks Services have destroyed the material described in paragraph 5.

7. Perks Unlimited's complaint is dismissed without prejudice.

9. This Court retains jurisdiction over the parties to enforce this Consent Judgment and the Settlement Agreement entered between the parties on October 18, 1999, a copy of which is attached to this Consent Judgment as Exhibit 1.

10. The parties to this Consent Judgment waive all right to appeal from this Judgment.

DATED this 22nd day of October, 1999

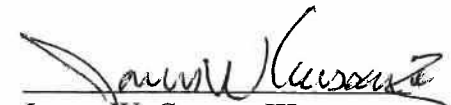


Judge, U.S. District Court
District of Massachusetts



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Pro Se and Attorney for
Employee Perks Services

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF RELIANCE** was served via First-class mail and e-mail on counsel for Registrant on the 22nd day of December, 2011 addressed as follows:

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/Joshua S. Frick/
